

UNITED STATES DISTRICT COURT DISTRICT OF  
MASSACHUSETTS

Civil Action No. 04-10580-MEL

GREGORY C. MILTON  
Petitioner, Pro'Se

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2004 JUL 21 A 12:53  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
7/20/04 11:43:17 AM

v.

METRO BOSTON INPATIENT UNITS OF  
THE LEMUEL SHATTUCK HOSPITAL,  
Respondent .

MOTION FOR CERTIFICATE OF APPEALABILITY

( 1. ) ORDERED, The petition for writ of habeas corpus under section 2254 was dismissed at Boston Massachusetts, this 17th day of March , 2004 by MORRIS E. LASKER UNITED STATES SENIOR DISTRICT JUDGE. Plaintiff ( Milton ) wishes to appeal the decision to the 1st circuit court of appeals. ( " My name is Gregory C. Milton. I am a patient on a MBMHU psychiatric ward run by Bay Cove .I have been committed to unit 9 north for approximately 1 year now and it is a locked down unit. I cannot go and come as I please, each time I leave the unit I must have special permission and I have to sign a log book stating the time of departure and the time of return. If I come back late from my allotted time thats a penalty for me, and then I will be restricted to the ward until further notice. and I can't stay out past 9:00 pm unless I have a Pass and special permission from my Doctor. I am still a prisoner in this D.M.H.facility. My position is that I am still in state custody but not behind bars. Please see W. Roxbury District Court Docket No: 0306MH0150...In my honest opinion I feel that Judge Morris E. Lasker erred when he denied my petition for a writ of habeas corpus pursuant to 28 U.S.C.A. Section 2254." ) See Heck v. Humphrey ( Cite as: 512 U.S. 477, 114 S.Ct. 2364 ) Preiser v. Rodriguez, 411 U.S. 475, 93 S.Ct. 1827, 36 L.Ed.2d 439 ( 1973 ) See Wolff v. McDonnell, 418 U.S. 539

94 S.Ct. 2963, 41 L.Ed.2d 935 ( 1974 ) See also Carey v. Piphus, 435 U.S. 247 ,266 ,98 S.Ct. 1042, 1054, 55 L.Ed.2d 252 ( 1978 ). See ante, at 2372-2373, and n. 7. Collins v. Hardyman, 341 U.S. 651, 657 71 S.Ct. 937, 939 95 L.Ed. 1253 ( 1951 ). See Mitchum v. Foster, supra, 407 U.S. at 240, 92 S.Ct., at 2161. See also Dennis v. Higgins, 498 U.S. 439, 443, 445, 111 S.Ct. 865, 868, 869-870, 112 L.Ed.2d 969 ( 1991 ) ( quoting Monell v. New York City Dept. of Social Servs., 436 U.S. 658, 700-701, 98 S.Ct. 2018, 2040- 2041, 56 L.Ed.2d 611 ( 1978 ). See Baxstrom v. Herold ( Cite as: 383 U.S. 107, 86 S.Ct. 760 ) ( Equal Protection ).

( 2. ) WHEREFORE, the plaintiff petitioner request that this court: Grant habeas corpus relief.

  
THE PLAINTIFF

Gregory C. Milton  
Lemuel Shattuck Hospital  
170 Morton Street  
Jamaica Plain, Ma 02130  
ssPhone:617-524-9499

Case No. 4-1903

Johnson v. FAIR

Cite as 697 F. Supp. 567 (D. MASS. 1988)

(Because defendants have moved to dismiss several claims, we read Johnson's complaint in a "favorable light," Emery v. Merrimack Valley Wood Prod., Inc., 701 F.2d 985, 986 (1st Cir. 1983)

MANDAMUS